

Minutes of the Planning Commission meeting held on Thursday, November 20, 2008, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Tim Taylor, Chair
Karen Daniels, Vice-Chair
Sheri Van Bibber
Jim Harland
Ray Black
Jeff Evans
Tim Tingey, Community & Economic Development Director
Chad Wilkinson, Community Development Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Kurtis Aoki

APPROVAL OF MINUTES

There were no minutes for approval.

APPROVAL OF FINDINGS OF FACT

Karen Daniels stated that the votes for Conditional Use Permits for both Master Muffler and Upscale Tattoos should be changed to a vote of 4-0 because she was absent from that meeting. Records show that she was present. The vote needs to be changed in addition to the decision and summary to reflect her absence.

Jim Harland made a motion to approve the Findings of Fact as read into the record with the corrections indicated by Karen Daniels.

Seconded by Sheri Van Bibber.

A voice vote was made. The minutes were approved unanimously, 5-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

ROBERT AZARVAND – 4816, 4830, & 4832 South State Street

Robert Azarvand was present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for multi-family high rise apartments in the C-D-C/DHOD zone, and a Certificate of Appropriateness for a major alteration of a significant building. There are a number of parcels that make up this property, which was formerly occupied by Grecian Gardens, and it is surrounded by similarly zoned properties. Staff has reviewed the request, and the applicant has gone before the Design Review Committee as required by code. The Design Review Committee specified conditions related mainly to design in order to maintain historic appearance. The design contains a cutout at the intersection of 4800 South and State Street, both for visibility purposes and as a nice entry feature. Proposed materials were discussed by the Design Review Committee and are outlined in the staff report. Samples of the

materials were available for the Commission to review. The proposal is to use predominantly brick, stucco and stone. There will be some metal trim accents and pre-cast concrete accents. The proposal is to demolish the north and west sides of the existing Hoffman Building in order to integrate it with the new development. The south and east elevations will remain. The plan shows parking spaces underneath the building, retail space on level one, and two stories of residential above. The plan shows landscaping along the surface parking in accordance with code. There is also a rooftop landscape feature. Floor plans were shown for the first floor retail space and the parking. The Hoffman Building will have two residential units with an additional 33 units for the remainder of the development. The Design Review Committee has recommended approval, and staff is also recommending approval with conditions. The recommended conditions from staff pertaining to site distance requirements were discussed in more detail. The plan has been revised to provide additional vision clearance and to address safe access to and from the site. The applicant has also agreed to work with the City to remove the existing graffiti on the Hoffman Building, which should be completed quickly.

Robert Azarvand, 219 West 4860 South, Murray, confirmed that he has reviewed the conditions and will be able to meet them. He advised that the graffiti has already been taken care of.

Jeff Evans asked for Mr. Azarvand's opinion regarding preservation of the Hoffman Building. Robert Azarvand responded that he initially didn't want to do it, but a compromise was reached and he has chosen to proceed.

Claudia Bennion, 4753 Box Elder Street, stated her opposition to more residents due to traffic congestion. She asked if there would be a traffic light added on Box Elder. She stated concerns with maintaining the area as historical and residential due to continued development around the area. She stated that the residents are being forced out, and that this development will add to the traffic, speeding, kids and gangs.

Tim Taylor closed the public hearing section as there were no additional comments.

Sheri Van Bibber questioned how many bedrooms each unit will contain. Robert Azarvand stated that there will be 35 condominiums, comprised of 9 one-bedroom condo's, 18 two-bedroom condo's, and 8 three-bedroom condo's. Prices range between \$200,000 and \$400,000. The condominiums are targeted toward business or medical professionals, not large families.

A question was raised about discerning between retail and resident parking. Robert Azarvand stated that residents will have assigned parking and there is a requirement for a total of 69 spaces, with 35 of those for residents. There will actually be 83 spaces instead of 69 in order to allow for guest parking or residents with more than one car. Only the residents will be able to access the gated, covered parking area.

Jeff Evans asked about studies related to traffic impact on the neighborhood. Robert Azarvand stated that he didn't think the development was really going to impact traffic. He agreed that there is a congested intersection and recommended that UDOT consider putting in a left turn arrow to ease the flow of traffic. He pointed out that there are several access points to the property so people will have more than one choice for

entering and exiting. He anticipates most of the residents will be entering off Poplar Street, and the commercial patrons will be entering off 4800 South.

Jim Harland suggested that part of the Homeowners Association dues might include a TRAX or UTA pass as an incentive to use public transportation due to the proximity of the development to the TRAX station. Mr. Azarvand agreed and stated that he anticipates most of the tenants will work nearby and use public transportation.

Tim Taylor re-opened the public comment section in order to accommodate another citizen.

Bill Wright, 4872 South Poplar Street, Murray, stated that he lives next door to this development. He is glad to see something being built there and stated that it appears to be an upscale development, which will improve the area. He stated that a left turn arrow at the light on 4800 South would be beneficial.

Tim Taylor re-closed the public comment section. There were no further questions from the Commissioners.

Karen Daniels made a motion to approve the Conditional Use Permit and Certificate of Appropriateness for Robert Azarvand for a mixed-use retail and high-rise apartment development in the Downtown Historic Overlay District at 4816, 4830 and 4832 South State Street, subject to conditions:

1. The project design shall incorporate all of the design elements recommended by the design review committee and approved by the Planning Commission.
2. The project shall meet all applicable building code standards.
3. The project shall meet all current fire codes.
4. Line of sight shall be provided at driveways in accordance with AASHTO standards.
5. The plan shall be revised to show a stop sign and "No Left Turn" sign at the driveway on 4800 South.
6. Prior to occupancy, repair damaged curb and gutter and sidewalk to the satisfaction of the City Engineer.
7. A land disturbance permit is required for grading of sites greater than 1 acre in size.
8. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted with the building permit and approved by the Murray City Forester and installed as approved prior to occupancy.
9. The applicant shall work with the City to remove the existing graffiti on the Hoffman building.

Seconded by Jeff Evans.

Call vote recorded by Tim Tingey.

A Ms. Daniels
A Mr. Evans
A Mr. Black
A Mr. Taylor
A Mr. Harland
A Ms. Van Bibber

Motion passed, 6-0.

OTHER BUSINESS

Tim Tingey discussed a recent training session held on 10/30/08. There were concerns about past and future processes regarding public comments, public hearings and public input during meetings. There have been staff discussions and a meeting with G.L. Critchfield regarding the importance of giving the public an opportunity to make comments. In the City Code 16.56050, under Conditional Use Permits, it states no public hearing need be held, however, a public hearing may be held when the Planning Commission shall deem such a hearing to be necessary in the public interest. It states that when determinations are made on conditions, the Planning Commission shall impose such requirements and conditions as are necessary for the protection of adjacent properties and the public welfare. Public comments will sometimes raise issues that the other parties were unaware of, which may facilitate another condition to help protect the public welfare and adjacent property owners. This has occurred previously and prompted further action by the staff.

Tim Taylor agreed with Tim Tingey regarding public input. He stated that he believes there is a perception that the comments may actually affect what the Commission ultimately decides. When it is an administrative item, it doesn't have any affect because the Commission just enforces what is in the code.

Tim Tingey asked that the Commission let the staff assist with educating the public and stated that it is helpful to explain the issues first and then go into discussions.

Jeff Evans agreed that the community should always feel welcome and involved. He thinks it's an improvement to have the conditions listed on the screen, but previously on hot issues it seemed helpful to provide a handout in advance. That seemed to maintain calmness in the crowd and answer some questions in advance. He suggested that at the beginning of the meeting, when it is explained how the meetings are conducted, there should be an explanation of the Commission's role. He stated that giving a perception that the community's involvement and opinion doesn't matter creates a negative image. Ray Black agreed and stated that the Commission needs to be sensitive to the public's feelings and issues. Even when people leave unhappy with the ultimate decision, they are at least satisfied that they had a chance to say what was on their mind.

Jim Harland asked about the difference between a public comment period and a public hearing, and if they are supposed to be handled differently. Tim Tingey explained that public comment periods are allotted periods of time that people are allowed to give

comments, for example, a period of 30 days. Public hearing is actually the oral testimony at the designated place and time, so you have to open the public hearing and allow for public comment. The Commission determined that there is really no difference between making a public comment and giving a testimony.

Meeting adjourned.

B. Tim Tingey

Community & Economic Development Department Director